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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,668	09/21/2001	Yoram Ofek	SYN 1780	6833
20787	7590	09/03/2004	EXAMINER	
SITRICK & SITRICK 8340 N LINCOLN AVENUE SUITE 201 SKOKIE, IL 60077			NGUYEN, CHAU M	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,668

Applicant(s)

OFEK ET AL.

Examiner

Chau M Nguyen

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-65 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Although the applicant only has one month to respond so these problems do not have to be corrected, the following problems are pointed out in order to promote compact prosecution. There are no claims 58 and 60. There is no figure that shows two switches as connected to each other claimed in claim 1.

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Species I) figure 1
- Species II) figure 6
- Species III) figure 7
- Species VI) figure 8
- Species V) figure 9
- Species VI) figure 11
- Species VII) figure 13
- Species VIII) figure 14
- Species IX) figure 21
- Species X) figure 28.

In addition to the above species, there are subspecies drawn to subsystems of the above species. These subspecies are drawn to the following subsystems:

Subspecies drawn to the alignment subsystem:

Subspecies A)	figure 4
Subspecies B)	figure 12
Subspecies C)	figure 27
Subspecies D)	figure 30
Subspecies E)	figure 31
Subspecies F)	figure 32

Subspecies drawn to the wavelength conversion subsystem:

Subspecies G)	figure 5A
Subspecies H)	figure 15A
Subspecies I)	figure 23A
Subspecies J)	figure 23B
Subspecies K)	figure 26A

Subspecies drawn to optical cross connect

Subspecies L)	figure 19B
Subspecies M)	figure 20

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. The applicant must elect ONE of the Species I-X. Then, depending on the species selected the applicant should elect EACH one of the corresponding subspecies that applies to the elected species. Applicant is reminded that only subspecies that have adequate disclosure in the specification may be selected. The applicant may only elect subspecies that are disclosed in the species. An example of a proper election would be, "I elect species VIII which corresponds to figure 14. I further elect the subspecies B drawn to figure 12, the subspecies D drawn to figure 15A and also subspecies M drawn to figure 20. The claims that read on this embodiment are...". Applicant is reminded that in order to be fully responsive, the applicant must elect one of each of the subspecies (alignment, wavelength conversion, crossconnect) *that applies* for **the elected** species.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau M Nguyen whose telephone number is 571-272-3030. The examiner can normally be reached on Mon-Fri from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.M.N.
Aug. 31, 2004


LESLIE PASCAL
PRIMARY EXAMINER